

THOMAS V. GULLO & JOSEPH L. RANDAZZO

IBLA 76-748

Decided February 23, 1977

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 27975.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases:
Applications: Drawings

Where an applicant fails to date a simultaneous oil and gas drawing entry card, he has not complied with 43 CFR 3112.2-1(a) which requires that the card be "fully executed," and his lease offer is properly rejected.

APPEARANCES: Louis P. Iannini, Esq., Rochester, New York, for appellants.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Thomas V. Gullo and Joseph L. Randazzo have appealed from a decision of the New Mexico State Office, Bureau of Land Management, dated July 19, 1976, which rejected their oil and gas lease offer NM 27975 for failure to fully execute the drawing card as required by 43 CFR 3112.2-1(a). 1/

Appellants' drawing card shows that the offer was signed March 16, 1976, by Thomas V. Gullo, but fails to show the date

1/ This regulation provides that

"Offers to lease such designated leasing units by parcel numbers must be submitted on a form approved by the Director, 'Simultaneous Oil and Gas Entry Card' signed and fully executed by the applicant or his duly authorized agent in his behalf. * * *"

the card was signed by Joseph L. Randazzo. The offer was drawn number one at the public drawing held on April 5, 1976.

Appellants have submitted affidavits stating that they both signed the card on March 16, 1976, and that the single date stamped on the card after Gullo's signature was intended to operate for both signatures. In their statement of reasons the appellants contend that there was substantial compliance in the execution and completion of their drawing card.

[1] The Board has ruled on numerous occasions that strict compliance with the regulation is necessary. Robert J. Burkhill, 28 IBLA 76 (1976); Amy H. Hanthorn, 27 IBLA 369 (1976); and cases there cited. Even minor deviations and omissions in the information required on a drawing entry card are sufficient to warrant the rejection of the offer. Raymond F. Kaiser, 27 IBLA 373 (1976). Thus, the incomplete entry of the date has been held a proper reason for rejection of the offer, Burkhill, *supra* (year omitted); Helen E. Ferris, 26 IBLA 382 (1976) (day of the month omitted). In John R. Mimick, et al., 25 IBLA 107 (1976), the Board stated that the date must be entered on the card in the space provided in order for the card to be fully executed as required by the regulation. The Board further observed that "[t]he date is important because it shows that as of a particular date, the offerors, by their signatures, certify all the statements made on the card," citing Ray Flamm, 24 IBLA 10 (1976).

No particular date, and therefore no certification, was provided by appellant Randazzo and the entry card was properly rejected.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Anne Poindexter Lewis

Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Joan B. Thompson
Administrative Judge

